

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,)	CR 11-23-BU-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MARTY ALLEN MOORE,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 19, 2012. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d

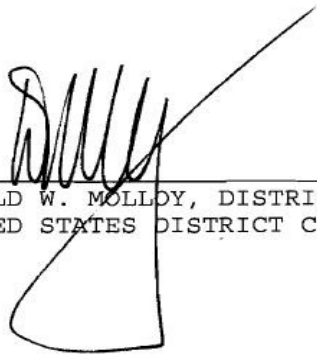
422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Marty Allen Moore's guilty plea after Moore appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343(Count I) and one count of mail fraud in violation of 18 U.S.C. § 1341 (Count IV) as set forth in the Superseding Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II, III, V, and VI of the Superseding Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 41), and I adopt them in full, including the recommendation to defer acceptance of the plea until sentencing when the Court will have reviewed the Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Marty Allen Moore's motion to change plea (dkt # 33) is GRANTED.

DATED this 9th day of February, 2012.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT